

UNITED STATES DISTRICT COURT

for the
Eastern District of TEXASBeaumont DivisionAretha Jean Walker

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1:21 cv 473
(to be filled in by the Clerk's Office)Jury Trial: (check one) ☒ Yes ☐ No

-v-

Randy Mulholland, of:
Melanie Young, Troy Syzmik, Octavia Lathan
GOODWILL, HOUSTON, HEIGHTS

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Walker, Anetha Jean
 Address 8380 El Mundo, Apt. 613
Houston TX 77054
City State Zip Code
 County Harris
 Telephone Number 346-446-9117
 E-Mail Address anetha22@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Randy Mulholland
 Job or Title (if known) Supervisor
 Address 215 W. 20th Street
Houston TX 77008
City State Zip Code
 County Harris
 Telephone Number (713) 970-1782
 E-Mail Address (if known) rmulholland@goodwillhouston.org
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Melanie Young
 Job or Title (if known) Supervisor of Randy Mulholland
 Address 215 W. 20th Street
Houston TX 77008
City State Zip Code
 County Harris
 Telephone Number (713) 970-1782
 E-Mail Address (if known) _____
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Troy Syzmik

Supervisor

215 W. 20th Street

Houston

City

TX

State

77008

Zip Code

(713) 970-1782



Individual capacity



Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

~~Octavia~~ Octavia Lathon

Supervisor

215 W. 20th Street

Houston

City

TX

State

77008

Zip Code

(713) 970-1782



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st Amendment (Freedom of Speech)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Mr. Randy Mulholland continuously worked to silence the Black employees, and the one Black supervisor, Octavia Lathon, by continuously using degrading behavior toward them by figuratively scream, hollering in their faces (i.e. verbal assault) causing an extremely toxic, dangerous workplace.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur? Goodwill, Houston, HEIGHTS
 Randy Mulholland: → verbal assaults; figuratively in my face; FALSE DAR(S) 77008
 Melaine Young: → " " " & FALSE DAR(S) disciplinary action reports
 Troy Syzmik: → FALSE DAR; threw the COVID paperwork at the door to me on the ground.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

July 31, 2020 → January 29, 2021; scheduled days to work; approx 12-8pm.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) (figuratively in my face)

- ① Mr. Randy Mulholland verbally assaulted me, numerous occasions, in the store. I complained to HR; submitted about 9-10 emails to HR.
- ③ Retaliation started from Mr. Mulholland and all 3 of his supervisors, which includes (1) de facto supervisor; followed by
- ④ constant harassment from all (4) of them.
- ⑤ Fired: January 29, 2021 by Mr. Randy Mulholland's supervisor, Melaine Young at about 11:17 am. I walked in the door of work at about 11:00 am.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

- Injured ^{back} muscle on left side; mid-way of back, down to hip area.
- Clinic: CONCENTRA, about three (3) days a week; a tenure of (2) two weeks.
- treatment: "do back exercises" and "take medicine," 800mg Ibuprophen.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

If pay the court hold Goodwill, Houston, HEIGHTS, store accountable for the pain and suffering inflicted upon me while working under excessive and unnecessary situations in the amount of damages as incurred below:

LOST WAGES: \$9.50 hdy — \$76 @ day

\$10,640

1,520 — month

\$10,640 @ 7 month of lost wages

Cost of lost wages:

(moving relocation fees,
increase in living expenses)

\$74,480

\$10,640 x 7 month = 74,480

Cost of constant back pain for working on a cement floor all day, ~~and~~ w/o the proper work equipment for your body, and enduring the negligence of Goodwill for having to pull furniture on a broken flatbed dolly, and the wrath of a supervisor when you tell him you think you injured your back — \$744,800 PUNITIVE DAMAGES

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/10/2021

Signature of Plaintiff *Aretha Walker*
Printed Name of Plaintiff Walker, Aretha

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City *State* *Zip Code*

Telephone Number _____

E-mail Address _____

Randy Mulholland
Supervisor

July 31, 2020: Violation of 1st Amendment, U.S. Constitutional Rights.

"We don't talk about sex, race, or politics because if someone hear you talking, and they get upset, then you have discriminated against them," said Mr. Randy Mulholland.

Event — new hire orientation for Aretha Walker and Rochell Sparks

Location — Mr. Randy Mulholland's office.

August 9, 2020: Screaming in my ear, ^(verbal assault) "CAN YOU HEAR?"
I KEEP TELLING YOU THE SAME THING;

"YOU GOT COTTON IN YOUR EARS, CAN YOU HEAR?"
(laughing at me with the customers)

Event — at the cash register

Location — Goodwill, Houston HEIGHTS store.

August 15, 2020 — Screaming in my face (verbal assault);

"YOU DON'T UNDERSTAND WHAT I TELL YOU;"

"YOU CAN'T SEE." "I DONE TOLD YOU THE SAME THING 12 TIMES; YOU DON'T KNOW HOW TO WORK

THE REGISTER; YOU TOLD ME YOU HAVE REGISTER EXPERIENCE;" "YOU NOT LISTENING TO WHAT I TELL YOU TO DO." Event — at the cash register

Location — Goodwill, Houston HEIGHTS store.

(approximately)

Mr. Randy said,

August 2020 — "Shut-Up BIG mouth" to
this elderly lady, Mrs. Emerald.

Event: in production area

Location: Goodwill, Houston, Heights store

August 15, 2020 — (verbal assault; threat); said menacingly,
"the next time I tell somebody to do something
and they don't do it they are going to be written-
up for insubordination."

Event — at the cash register

Location — Goodwill, Houston, HEIGHTS store

August 16, 2020 — (falsifying documents)

Two other cashiers and I were
working in the front of store, while
Mr. Randy had already clocked-us-out.

Event — cleaning the showroom

~~Sept~~ Location — Goodwill, Houston, HEIGHTS store

Sept. 1, 2020 — (verbal assault; screaming in my face);

"you walked-off and left that register"...

"you ain't gone respnd?"

Event — in middle of store floor

Location — Goodwill, Houston, HEIGHTS store

Oct. 5, 2020 — (DAR) disciplinary action report.

DAR

"You won't be cashiering anymore. You
was short \$14.01." Mr. Randy Mulholland told me ^{to} sign it.
(I did not sign the DAR. He did not give
me a copy or let me read the DAR).

Event — in the cashier's office

Location — Goodwill, Houston, HEIGHTS store

Jan. 5, 2021 — "This looks like you are falsifying documents; you need to write down every move you make."

Event: production area (at the end of the day)
Location: Goodwill, Houston, HEIGHTS store.

Jan. 9, 2021 — "You are not doing your job. You need to sign this. (a DAR)"

DAR

"You cannot have a copy unless you sign it (I did not sign it.)"

Event: in cashier's office

Location: Goodwill, Houston, HEIGHTS store

Approx. Jan 10-15, 2021 — Mr. Randy called me into his office, soon followed by Ms. Octave, and she tried to talk me into signing a DAR. She said, "it is just words, I signed it." (I did not sign it.)

DAR

Event: in cashier's office

Location: Goodwill, Houston, HEIGHTS store

HR : (Ms. Nakeeta Good) : "You don't run
Sept. 1, 2020 nothing here. I can
tell from the tone
of your voice you
are very aggressive."

event: on the phone.

Location: Goodwill, Houston HEIGHTS,
Chemical closet

HR : (Mr. Isaac Thuis) → "I am not giving
Sept. 3, 2020 no transfer because
if the problem is
communication you
just some have the
same problem if
you go some place
else." "Why do you
work here."

Ms. Nakeeta
Mr. Randy
Autha Walker

event: Goodwill, Houston, HEIGHTS (in a attached
structure)
Location: Goodwill, Houston, HEIGHTS

Octavia Lathon — "I see why Randy rides
Supervisor your ass," angrily to me.

approx.
Dec. 2020
→
Jan. 2021

Ms. Lathon thought I was \$10
short in my cash drawer,
when in actuality, she overlooked
a \$10 roll of quarters.

Event: cash office

Location: Goodwill, Houston, HEIGHTS store

Octavia Lathon — "Ms. Aretha where is
Supervisor you from?"
She said:

approx.
Dec. 2020
→
Jan. 2021

"Gutter, gutter".

Event: production floor

Location: Goodwill, Houston, HEIGHTS store

on Arthur Walker
Troy Szymik: lied about a \$7.00 donation from
a customer; said that he told me not
to take it);

DAR

Event: in the cashier's office / DAR (I signed);
Location: Goodwill Houston, ^{was told it was a}
HEIGHTS store ^{cashier's document.}

Melanie Young — (figuratively, "in my face;")
(Randy Mulholland's) confrontational:
supervisor

"gone show you how to price
these purses..."

Approximately: Dec. 12-18, 2020

Event: production area

Location: Goodwill, Houston, HEIGHTS, store

Dec. 18, 2020 — (figuratively "in my face; confrontational:")

"you need to do 100 fotes a day."

"I'm not here to argue with you."

Event — cashier's office

Location — Goodwill, Houston, HEIGHTS, store

see: Appost
#22

Dec. 18 — Jan. 5, 2021 — "you need to sign this".

Did not say what it was about.

DAR

Event: cashier's office

Location: Goodwill, Houston, HEIGHTS store

~~white blouse~~
I told Mrs. Young, "You can't do a 100
fotes a day when the people at the back door
are throwing away the stuff before it comes to
me. I can't assure you 60 purses a day."

If you have documents supporting your charge, please upload them using this portal. Documents that you send and any that EEOC may send to you (including your Charge of Discrimination and the respondent's Position Statement, if you request a copy) are listed below. You can open a document to review it or download and save it.

Be sure you save all documents related to your charge, including Email correspondence. Your charge and documents related to it will be available to you online until 90 days after EEOC closes it. Click using this portal to upload documents.

Upload

Name	Type	Added On	Added By
2021-03-01 ELMAL TO CP GOODWILL 430-2021-01123 Signed.pdf	Closure Notice/NRTS	06/14/2021	Patricia Palacios Ware
2021-03-02 Walker GOODWILL 430-2021-01123 addtl info.pdf	CP Online Assessment, Inquiry & Supplemental Information	06/02/2021	Patricia Palacios Ware
Signed Charge of Discrimination	Charge of Discrimination	06/02/2021	Charging Party
2021-03-01 ELMAL TO CP HOW TO FILE A CHARGE.pdf	Correspondence To/From Charging Party	06/01/2021	Arusha Pinson
2021-03-27 EMAIL TO CP ATTN: SCHEDULED.pdf	Correspondence To/From Charging Party	05/27/2021	Arusha Pinson

Additional Information

If you have questions
You may find answers in the Frequently Asked Questions (FAQ)

US EEOC

Japan declares state of emergency



publicportal.eeoc.gov/Portal/Forms/NewEditForm.aspx?templateId=165&userKey=20...

Filing with EEOC

Assessment

Inquiry

Schedule
InterviewMore
Details

File Charge

My Charge

EEOC Number: 460-2021-01723**Status: Determination of no reasonable cause issued**

The charge of employment discrimination filed on **06/02/2021** with the U.S. Equal Employment Opportunity Commission (EEOC) by **Aretha Walker** against **GOODWILL INDUSTRIES OF HOUSTON - HOUSTON HEIGHTS** is available for you to view online

[View Representative](#)[View My Information](#)

Notice of Right to Sue - Important Time Limit

If you choose to file a lawsuit against the respondent(s) named in your charge, you must file a complaint in court **within 90 days of the date you received the Notice of Right to Sue**. If you fail to file within the 90 day period, your right to sue on the charge will be lost and cannot be restored by EEOC. For more information about this time limit and filing a lawsuit, refer to the enclosure that was provided with your Closure Notice/NRTS.

My Documents

If you have documents supporting your charge, please upload them using this portal. Documents that you send and any that EEOC may send to you (including your Charge of Discrimination and the respondent's Position Statement, if you request a copy) are listed below. You can open a document to review it or download and save it.

Be sure you save all documents related to your charge, including Email correspondence. Your charge and documents related to it will be available to you online until 90 days after EEOC closes it. Click using this portal to upload documents.

80°F Cloudy



1:27 PM

7/8/2021

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Walker, Aretha
Harris

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Goodwill, Houston, Herkatts
Harris TX'

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question
(U.S. Government Not a Party)
☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

Employment discrimination / race

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

A. Walker
8380 El mundo #613
Houston, TX 77054

Jack Brooks Federal Building
and

United States Courthouse
300 Willow Street, Suite 104
Beaumont, TX 77701

— Eastern District of TEXAS

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